

**Notice of Allowability**

Application No.

09/897,188

Applicant(s)

JAY, GREGORY D.

Examiner

Rita Mitra

Art Unit

1653

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 09/21/2005
2. ☒ The allowed claim(s) is/are 1, 6-8 and 17.
3. ☒ The drawings filed on 28 September 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## **DETAILED ACTION**

### ***Status of the Claims***

Applicants' amendment and response to office action dated October 21, 2004, filed on April 21, 2005 is acknowledged. Amendments to the specification has been noted. Claims 2-5, 9-16 and 18-25 have been canceled. Claims 1, 6-8 and 17 have been amended and entered. Therefore, claims 1, 6-8 and 17 are currently pending.

### ***Response to Amendments and Remarks***

#### **Objection to the Specification**

Objection to the specification is withdrawn in view of the amendment to the specification.

#### **Claim Rejections - 35 USC § 101**

Claims 2-5 are cancelled thereby rendering the rejection moot. Rejection of claims 1, 6-8 and 17 are withdrawn in view of amendments to the claims

#### **Claim Rejections - 35 USC § 112, first paragraph**

Claims 2-5 are cancelled thereby rendering the rejection moot. Rejection of claims 1, 6-8 and 17 are withdrawn in view of amendments to the claims.

#### **Claim Rejections - 35 USC § 112, second paragraph**

Claims 2-5 are cancelled thereby rendering the rejection moot. Rejection of claims 1, 6-8 and 17 are withdrawn in view of amendments to the claims.

#### **Claim Rejections - 35 USC § 102**

Claim 2 is cancelled thereby rendering the rejection moot. Rejection of claim 8 is withdrawn in view of amendment to the claim and remarks on page 10.

#### **Claim Rejections - 35 USC § 103**

Claims 2-5 are cancelled thereby rendering the rejection moot. Rejection of claims 1, and 6-8 are withdrawn in view of amendment to the claims and remarks on pages 10-12.

**An Examiner's Amendment** to the record appears below. Should the changes and/or

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additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

***Examiner's Amendments to the Specification:***

On page 1 below title line, the continuity data has been entered to read as:

This application is a continuation in part of U.S. Application No. 09/556246, filed on April 24, 2000, which is a continuation in part of U.S. Application No. 09/298970, filed on April 23, 1999, issued as Patent Number 6, 743,774, on June 1, 2004, which is incorporated herein by reference in its entirety.

***Reasons for Allowance***

The following is an examiner's statement of reasons for allowance:

The prior art of record does not teach or suggest a composition comprising an isolated lubricating megakaryocyte stimulating factor (MSF) gene product, said gene product consisting of specific fragments of amino acids sequence of SEQ ID NO: 1 and at least one O-linked oligosaccharide, wherein said gene product reduces a coefficient of friction between bearing surfaces, wherein said o-linked oligosaccharide is a  $\beta(1-3)$ Gal-GalNAc. Thus the composition claimed in the instant application is novel.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

Claims 1, 6-8 and 17 are allowed.

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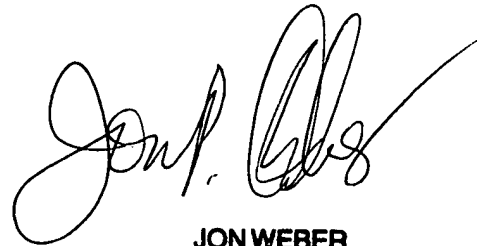
***Inquiries***

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Rita Mitra whose telephone number is (571) 272-0954. The Examiner can normally be reached from 9:30 a.m. to 6:30 p.m. on weekdays. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Dr. Jon Weber, can be reached at (571) 272-0925. Papers related to this application may be submitted to Technology Center 1600 by facsimile transmission. Papers should be faxed to Technology Center 1600 via the PTO Fax Center. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The Fax Center number is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-0547.



Rita Mitra, Ph.D.

May 25, 2005



**JON WEBER**  
**SUPERVISORY PATENT EXAMINER**